

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

In the Matter of ) CV. NO. 03-00672 SOM-BMK

The Complaint of MORNING STAR )  
CRUISES, INC., a Hawaii corporation. )

SHIROH FUKUOKA, Individually and ) CV. NO. 04-00588 SOM-BMK

as Personal Representative of THE )

ESTATE OF MITSUKO FUKUOKA, )

and as Next Friend of MIHO )

FUKUOKA, a Minor, )

Plaintiffs, )

vs. )

MORNING STAR CRUISES, INC., a )

Hawaii corporation; JOHN DOES 1- )

10, JANE DOES 1-10, DOE )

CORPORATIONS 1-10, DOE )

PARTNERSHIPS 1-10, DOE JOINT )

VENTURERS 1-10, DOE LIMITED )

LIABILITY ENTITIES 1-10, DOE )

NON-PROFIT ENTITIES, 1-10, DOE )

GOVERNMENTAL ENTITIES 1-10, )

DOE UNINCORPORATED )

ENTITIES 1-10, and OTHER DOE )

ENTITIES 1-10, )

Defendants. )

**[CONSOLIDATED]**

DECLARATION OF GREGORY K.  
MARKHAM

**DECLARATION OF GREGORY K. MARKHAM**

GREGORY K. MARKHAM, hereby declares as follows:

1. I am an attorney licensed to practice law in all the Courts in the State of Hawaii.

2. I am a partner for the law firm of Chee & Markham and one of the attorneys for Defendant/Limitation Plaintiff Morning Star Cruises, Inc. (hereinafter Morning Star) in the above-entitled matter.

3. I have personal knowledge of and am competent to testify concerning the matters set forth below.

4. Attached hereto as Exhibit "A" is a true and correct copy of the appraisal report dated November 24, 2003 of the survey of the twenty-four foot steel barge O/N HA 1367 CP conducted by maritime surveyor Michael Doyle.

4. Attached hereto as Exhibit "B" is a true and correct copy of the waiver signed by Mitsuko Fukuoka and translated by Steven C. Silver of Silver Bridges International, LLC.

**I, GREGORY K. MARKHAM, DO DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT.**

DATED: Honolulu, Hawaii, July 21, 2006

  
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GREGORY K. MARKHAM